

Message Text

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17

ORIGIN EB-07

INFO OCT-01 EA-06 ISO-00 CAB-02 CIAE-00 COME-00 DODE-00

DOT-00 INR-07 NSAE-00 FAA-00 IO-10 SS-15 NSC-05 SP-02

H-02 /057 R

DRAFTED BY EB/AN:WBCOBB:TP

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EA/J - W. PIEZ

----- 112295

R 092155Z JUN 75

FM SECSTATE WASHDC

TO AMEMBASSY TOKYO

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E.O. 11652: N/A

TAGS: EAIR, JA

SUBJECT: CIVAIR: TRANS INTERNATIONAL AIRLINES (TIA)
CHARTERS

REF: STATE 128652 AND TOKYO 7394

1. USG DOES NOT MAINTAIN THAT JCAB IS PRECLUDED FROM
MAKING ITS OWN EVALUATION OF BONA FIDES OF A CHARTER GROUP.
HOWEVER, WE DO QUESTION WHETHER ANY FOREIGN AERONAUTICAL
AUTHORITY IS IN AS GOOD A POSITION TO MAKE SUCH AN
EVALUATION AS ARE THE AUTHORITIES OF THE COUNTRY IN WHICH
THE CHARTER ORIGINATES. WE DO NOT UNDERSTAND THE BASIS
FOR THE JCAB CONCLUSION THAT THE AARC IS NOT CHARTERWORTHY.
JCAB'S POSITION THAT IT WOULD NOT ACCEPT A US CAB OPINION
THAT GROUP IS CHARTERWORTHY WITHOUT ADDITIONAL EVIDENCE
IS IN OUR VIEW AN UNREASONABLE EXTENSION OF AUTHORITY IN
THAT IT ESSENTIALLY REQUIRES PROOF OF INNOCENCE. TO
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REQUIRE GROUP PROVE "INNOCENCE" IN ADVANCE OF ANY CHARTER

OPERATIONS SEEMS TO USG TO BE BOTH UNREALISTIC AND UNREASONABLE.

2. AS PREVIOUSLY INDICATED, TIA IS CONVINCED GROUP IS CHARTERWORTHY. IF THERE IS EVIDENCE TO CONTRARY (AND WE ARE AWARE OF NONE), US CAB IS PREPARED TO REVIEW BONA FIDES AND CONSIDER APPROPRIATE ENFORCEMENT ACTION AS NECESSARY. IN INTERNATIONAL CIVIL RELATIONS SOVEREIGN GOVERNMENTS NORMALLY ACCEPT CERTIFICATIONS OF OTHER SOVEREIGN GOVERNMENTS AS FULLY ESTABLISHING BONA FIDES AND COMPLIANCE WITH REGULATIONS. CONSISTENT WITH THIS PRACTICE USG ACCEPT JAPANESE PILOT PROFICIENCY CERTIFICATIONS, AIRWORTHINESS CERTIFICATIONS, ETC., AND DOES NOT NORMALLY CHALLENGE IN ADVANCE THE CHARTERWORTHINESS OF A GROUP ORIGINATING IN JAPAN. RECIPROCITY AND COMITY ARGUE THAT JCAB SHOULD FOLLOW SIMILAR PROCEDURES AND CONSISTENT THEREWITH APPROVE TIA CHARTER PROGRAM.

3. EMBASSY REQUESTED PURSUE MATTER WITH JCAB (AND FONOFF IN YOUR DISCRETION) BASED ON FOREGOING. KISSINGER

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Message Attributes

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